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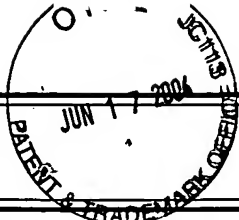
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# DAC
7FW**TRANSMITTAL LETTER**
(General - Patent Pending)Docket No.
20664.007

In Re Application Of: Cesar M. Diaz, et al.

Serial No.
10/757,948Filing Date
01/14/04

Examiner

Group Art Unit

Title: **SYSTEM FOR TERMINATING HEART ARRHYTHMIA USING ELECTRICAL SHOCKS DELIVERED THROUGH A SET OF INTERNAL AND EXTERNAL ELECTRODES CONFIGURABLE TO A MULTITUDE OF SHOCK CONFIGURATIONS BY SELECTING THE SHOCK VECTOR(S) ON CONTROL DEVICE THAT ALSO PROVIDES "OVERSHOCK" SAFETY FOR PATIENTS**

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

1. Request to Correct Filing Date
2. Attachments
3. Check for \$130.00
4. Certificate of Mailing
5. Our Return Postcard.

in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of \$130.00 is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 50-2555 as described below.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

Signature

Dated: June 15, 2004

Charles D. Gunter, Jr.
Reg. No. 29,386
Whitaker, Chalk, Swindle & Sawyer, LLP
3500 City Center Tower II
301 Commerce Street
Fort Worth, Texas 76102-4186

I certify that this document and fee is being deposited on 06/15/04 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Sarah Horner

Typed or Printed Name of Person Mailing Correspondence

cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 20664.007

In re Application of

Cesar M. Diaz, et al.

Examiner:

Serial No.: 10/757,948

Art Unit:

Filed: 01/14/2004

For: **SYSTEM FOR TERMINATING HEART ARRHYTHMIA USING ELECTRICAL SHOCKS DELIVERED THROUGH A SET OF INTERNAL AND EXTERNAL ELECTRODES CONFIGURABLE TO A MULTITUDE OF SHOCK CONFIGURATIONS BY SELECTING THE SHOCK VECTOR(S) ON CONTROL DEVICE THAT ALSO PROVIDES "OVER SHOCK" SAFETY FOR PATIENTS**

PETITION TO CORRECT FILING DATE UNDER 37 CFR §1.53 AND §1.17(h)

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that the filing date in the above case be corrected to December 18, 2003, the date Applicant made delivery of the complete application materials to the Patent Office.

CERTIFICATE OF MAILING	
37 CFR Section 1.8	
I hereby certify that this document is being deposited with the U.S. Postal Service as first class mail under 37 CFR. 1.8 and is addressed to the Comm. For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Date: <u>June 15, 2004</u>	By: <u>Sarah Horner</u>

REMARKS

This is a request to correct the filing date which has been afforded in the present case. Applicant filed a pro se provisional application, serial number 60/434,128, on 12/18/2002. It was Applicant's intention to convert the provisional filing to a regular application by a pro se case which was sent by Federal Express on 12/17/2003, in order to claim the benefit of the priority of the provisional case.


As set out more fully in Applicant's letter and airbills (Attachment One), the complete application which was scheduled for delivery on 12/18/2003, but was apparently returned from the Patent Office to Applicant. Exactly why the package was returned is not entirely apparent. Applicant received the return package on 01/13/2004, and within two hours of receipt returned the complete package by Federal Express, the package being received by the Patent Office on 01/14/2004. Applicant has subsequently received an official filing receipt giving the official filing date as 01/14/2004.

Applicant respectfully requests that the Office consider the above facts, including the fact that the complete Application was apparently delivered on time to the Office, and that the filing date of 01/14/2004, be corrected to 12/18/2003.

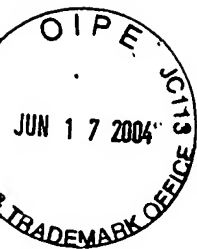
The fee under 37 C.F. R. §1.17(h) is enclosed.

Respectfully submitted,

Date: June 15, 2004


Charles D. Gunter, Jr.
Reg. No. 29,386
Whitaker, Chalk, Swindle & Sawyer, LLP
301 Commerce St, STE 3500
Fort Worth, Texas 76102-4186
(817) 878-0504
ATTORNEY(S) FOR APPLICANT

F:\STOR\CDG\POLYCOMP\CORRES\07PET.WPD



From the desk of Cesar M. Diaz

United States Patent and Trade Mark Office
Commissioner of Patents
Post Office Box 1450
Alexandria, VA, 22313-1450

cc: Charles Gunter, Esq.

Dear Patent Examiner:

I sent this enclosed application out to you on December 17th, 2003 for delivery on the morning of December 18th, 2003 (see Federal Express Air bill copy attached). It appears that Federal Express Added MS 17, Office of Finance to the address and this caused confusion in your office. I have checked with a law firm here in Irvine California and Fort Worth Texas and they inform me that the address originally sent to is correct so I am sending this once again but am additionally sending you this letter via fax since this is an urgent matter. Please be informed that we sent this application to ensure that Provisional Application #: 60/434,128 remained in full force and that we received confirmation of acceptance dated 1-27-03 that is attached to application.

Please note that we acted responsibly and in good faith to deliver this to USPTO but do to apparent confusion this did not get accepted as usual.

Acting within 2 hours of physically receiving the returned application sent via economy Federal Express (dated shipment: 1-13-04) but from a different address than that originally mailed to (see copy of Federal Express Air Bill for returned application) by us. We formally request that USPTO accept our application as originally sent on 12-17-03 and that should have been accepted on 12-18-03 when first attempt for delivery was attempted to the proper address.

Sincerely,

1/14/04
12:41 PST

Cesar M. Diaz
Co-inventor / Applicant of record

Also faxed with copies of 2 Airway bills.

ATTACHMENT
ONE

1000

NO POUCH NEEDED.
See back for peel and stick application instructions.

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1 From
Date 12/17/03 Sender's FedEx Account Number 212144479

Sender's Name Cesar Diaz Phone 949 261-8130

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City IRVINE State CA ZIP 92614

2 Your Internal Billing Reference

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Address P.O. Box 1450
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Delivery commitment may be later in some areas. Excludes international shipments. Delivery to select locations.

3 ☐ FedEx 2Day 20 ☐ FedEx Express Saver
Second business day. FedEx Envelope size not available. Maximum charge: One pound 15.00.

4b Express Freight Service
7 ☐ FedEx 1Day Freight* 8 ☐ FedEx 2Day Freight 83 ☐ FedEx 3Day Freight
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5 Packaging
6 ☒ FedEx Envelope* 2 ☐ FedEx Pak* 1 ☐ Other
Includes FedEx Small Pak, FedEx Large Pak, and FedEx Surety Pak.

6 Special Handling
3 ☐ SATURDAY Delivery
Available only for FedEx Priority Overnight, FedEx 2Day, and FedEx First Overnight. Does this shipment contain dangerous goods? No 4 ☐ Yes 5 ☐ Yes 6 ☐ Dry Ice
Dangerous Goods including Dry Ice cannot be shipped in FedEx packaging. Dry Ice 1 UN 1845. Cargo Aircraft Only.

7 Payment Bill to:
1 ☐ Sender 2 ☐ Recipient 3 ☐ Third Party 4 ☐ Credit Card 5 ☐ Cash/Check
Enter FedEx's Acc't No. or Credit Card No. below. Obtain Receipt. Acc't No.

FedEx's Acc't No. or Credit Card No. Total Packages Total Weight Total Charges
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8 Release Signature
Your liability is limited to \$100 unless you declare a higher value. See the FedEx Service Guide for details. Sign to authorize delivery without obtaining signature.

By signing this Airbill, you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold harmless from any resulting claims.

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